

PCT

24157PCT/US



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PCT National Stage Patent Application  
 PCT/EP2002/010353 filed September 15, 2002  
 Alfred von Schuckmann  
 Serial No.: 10/526,241  
 First Submission Filed: February 25, 2005  
 INHALER FOR POWDERY, IN PARTICULAR  
 MEDICAL SUBSTANCES

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 CERTIFICATE OF MAILING ON LAST PAGE  
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Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

S I R :

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)  
AND SUBMISSION OF SURCHARGE FEES, TRANSLATION, PRELIMINARY  
AMENDMENT AND SIGNED DECLARATION

In response to the Office Action dated August 19, 2005, copy enclosed, respectfully submitted herewith is the signed and dated Combined Declaration of the inventors (2 pages) in compliance with 37 CFR 1.63 and 37 CFR 1.66 or 37 CFR 1.68 and 37 CFR 1.497(a) and (b), identifying the application by PCT International application no. and international filing date and with power of attorney.

Respectfully presented is also the English translation (22 pages) which is believed to be an accurate translation of the PCT/EP2002/010353 application as originally filed in the German language. This translation is requested to be used as the copy for examination purposes in the Patent Office along with the simultaneously submitted Preliminary Amendment which deletes the form of all multiple-dependent claims so multiple-dependent claims do not exist in this application. The Preliminary

Amendment includes an Abstract on a separate page to be entered simultaneously with the filing of all papers and before calculation of claim filing fees.

Attached is check no. 16351 in the amount of \$1210.00 (namely, \$130.00 for the processing fee for providing the translation later than 30 months from the priority date (37 CFR 1.492(f)), and \$130.00 for late but timely filing of the Declaration, including \$350.00 for 7 extra claims exceeding 20 total claims, as well as \$400.00 for the application search fee and \$200.00 to complete the examination fee for a large entity).

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to deposit account no. 06-0105.

01/23/2006 KWILLIAM 00000001 060105 10526241

01 FC:1618 130.00 DA

11/25/2005 MKAYPAGH 00000004 10526241

01 FC:1642	400.00 OP
02 FC:1633	200.00 OP
03 FC:1615	350.00 OP
04 FC:1617	130.00 OP
05 FC:1206	10.00 OP

Respectfully submitted,  
Alfred von Schuckmann

by: 

MARTIN A. FARBER  
Attorney for Applicant  
Registered Representative  
Registration No. 22,345

Adjustment date: 01/23/2006 KWILLIAM  
11/25/2005 MKAYPAGH 00000004 10526241  
05 FC:1206 -10.00 OP

Repln. Ref: 01/23/2006 KWILLIAM 0017063308  
DA#:#60105 Name/Number:10526241  
FC: 9204 \$10.00 CR

CERTIFICATE OF MAILING UNDER 37 CFR SECTION 1.8(a)

I hereby certify that the accompanying Response to Notification of Missing Requirements under 35 USC 371 in the United States Designated/Elected Office (DO/EO/US), signed Declaration (2 pages), English Translation, Preliminary Amendment and check no. 16351 \$1210.00 are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 17, 2005.

Dated: November 17, 2005

  
Martin A. Farber

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/526,241	Alfred von Schuckmann	24157PCT/US
INTERNATIONAL APPLICATION NO.		
PCT/EP02/10353		
IA. FILING DATE		PRIORITY DATE
09/16/2002		

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CONFIRMATION NO. 6871  
 371 FORMALITIES LETTER  
 \*OC000000016811681\*  
 \*OC000000016811681\*

**DUE OCT. 19, 2005**

Date Mailed: 08/19/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/25/2005
- Copy of the International Search Report filed on 02/25/2005
- Copy of IPE Report filed on 02/25/2005
- Copy of Annexes to the IPER filed on 02/25/2005
- English Translation of Annexes to the IPE filed on 02/25/2005
- Oath or Declaration filed on 02/25/2005
- Request for Immediate Examination filed on 02/25/2005
- U.S. Basic National Fees filed on 02/25/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$860** for a Large Entity:

- **\$130** Surcharge.
- **\$130** for English translation surcharge required.

Additionally the following defects have been observed:

- Annexes have not been entered because the IPER annexes have not been translated.
- The application search fee has not been paid. Applicant must submit **\$400** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **\$200** to complete the examination fee for a non-small entity

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/526,241	PCT/EP02/10353	24157PCT/US

FORM PCT/DO/EO/905 (371 Formalities Notice)